



13281 U.S. PTO

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

Attorney Docket: 056203.49700C2

PATENT

MAIL STOP: NEW PATENT APPLICATION

00727 U.S. PTO
10/762328



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : (To Be Assigned) Confirmation No. : (TBA)
Applicant : Eisuke WAYAMA, et al.
Filed : January 23, 2004
TC/A.U. : (To Be Assigned)
Examiner : (To Be Assigned)
Docket No. : 056203.49700C2
Customer No. : 23911
Title : Throttle Valve Control Apparatus of Internal Combustion
Engine and Automobile Using the Same

REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. 1.53(b)

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a XX continuation or ___ divisional application
under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/794,209

Filed on February 28, 2001

Of: Eisuke Wayama, Toshifumi Usui, Yoshikatsu
Hashimoto, Shigeru Tokumoto, and Yasuo Saito

Entitled: Throttle Valve Control Apparatus Of Internal
Combustion Engine And Automobile Using The
same

Examiner: Kwon, John

Group: 3747

- X 1. Accompanying this order is a true copy of the prior application as
originally filed.

Total pages: 1-30

- X 2. Formal drawings are being filed herewith consisting of Seven (7)
sheets, depicting Figures 1-6, and 7A-7B.

- X 3. Declaration and Power of Attorney:



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- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from prior application
- i. ☐ Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

☒ 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ 5. Cancel original claims

☐ 6. Small entity status:

- a. ☐ A small entity statement is enclosed
- b. ☐ A statement of small entity status (copy attached) was filed on in the prior application and status as a small entity is still proper and desired.
- c. ☐ Is no longer claimed

☒ 7. The filing fee is calculated below:

Basic Fee					<u>\$385</u>	<u>\$770</u>
Total Claims	<u>11</u>	-	20 = <u>0</u>	x	9 = \$	18 = \$
Ind. Claims	<u>11</u>	-	3 = <u>8</u>	x	43 = \$	86 = \$688.00
<u>Multiple Dependent Claims</u>				+	145 = \$	290 = \$
Total					\$	\$1,458.00

☐ 8. Please charge my Deposit Account No. 05-1323 (Docket #) in the amount of \$.

☒ 9. C&M Check No. 259890 in the amount of \$1,458.00 is enclosed to cover the filing fee and additional independent claim fee.

☒ 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any

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overpayment to Deposit Account No. 05-1323 (Docket 056203.49700C2).

- X 11. Amend the specification by inserting before the first line the sentence: --This application is a continuation/division of application Serial No. 09/794,209 filed February 28, 2001.--
- X 12. Priority of Appln. No(s). 2000-110540 filed in Japan on April 6, 2000, is hereby claimed under 35 U.S.C. 119.
- X 13. A certified copy of each said priority document was filed in application Serial No. 09/794,209 on June 28, 2001.
- X 14. The prior application is assigned of record to Hitachi, Ltd (Recorded at Reel/Frame: 011946/0284; Recordation Date: June 28, 2001).
- X 15. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- X a. The power appears in the original application papers in the prior application.
- b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- X d. Address all future correspondence to:

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

Customer No.

23911

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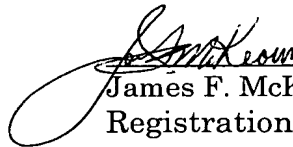
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- X 16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- X 17. A Preliminary Amendment is being filed herewith.
- 19. Other: —

Respectfully submitted,

January 23, 2004


James F. McKeown
Registration No. 25,406

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